IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 378 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 06/04/2004 in WP NO : 23488 OF 2002 on the file of the High Court.)

Between:

C. Satyanarayana Reddy S/o late C. Ramachandra Reddy
R/o Sitarama Swamy Temple Street, Peddapalli, Karimnagar District

..... APPELLANT

AND

The Singareni Collieries Comapany Limited, Ramagundam, Karimnagar District,
rep by Chairman & Managing Director

.....RESPONDENT

Counsel for the Appellant : MR.A.SUDERSHAN REDDY

Counsel for the Respondent : MR.K. SRINIVASAMURTHY

The Court made the following :

ORAL JUDGMENT:

(per Hon'ble The Chief Justice)

…..

1. Appeal is against the order of the learned single Judge dismissing the writ petition of the appellant on the ground that in such like contractual matters where facts are highly disputed, it is but appropriate to relegate the writ petitioner to the remedy of approaching the appropriate Civil Court for obtaining decree for the amount of legal fee claimed by the appellant.

2. The respondent's case is that whatever amount of legal fee is due and payable as per the terms of appointment order has been paid and no further amount is payable, whereas the appellant claims that fee has not correctly been worked out and that no fee is paid to him.

3. Being a disputed question of fact, learned single Judge was justified in dismissing the writ petition relegating the petitioner – appellant to the remedy of civil suit, which is the only remedy which must be invoked by the appellant. Accordingly the writ appeal is dismissed.

No costs.

_____

DEVINDER GUPTA. C.J.,

_____

B. SESHASAYANA REDDY. J.,

Dated: 29.03.2005.

VRK.

To

1. The Chairman & Managing Director, Singareni Collieries Comapany Limited, Ramagundam, Karimnagar District.

2. Two CD copies.

*Form-NIC-OGS/WA {**TRT**}*

HON'BLE SRI DEVINDER GUPTA,
CHIEF JUSTICE
AND
HON'BLE SRI JUSTICE B. SESHASAYANA REDDY.

W.A.NO. 378 OF 2005.

(Judgment of the Bench delivered by
Hon'ble The Chief Justice)

Dt: 29.03.2005.